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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/706,066 | 11/12/2003 | Erol Bozak | 09700.0031-00 | 6345 |
| 60668 7590 03/04/2009 SAP / FINNEGAN, HENDERSON LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413 | | | | |
| EXAMINER | | | | |
| CHEEMA, UMAR | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2444 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 03/04/2009 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/706,066

Applicant(s)

BOZAK ET AL.

Examiner

UMAR CHEEMA

Art Unit

2444

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,6 and 8-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,6 and 8-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date 02/04/2009
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to Request for Continued Examination (RCE) filed on 12/12/2008. Claims 1, 3, 5, 6, and 8 have been further amended. Claims 4 and 7 have been canceled. Claims 9-11 are newly added claims. Claims 1, 3, 5, 6, and 8-11 are currently pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/12/2008 has been entered.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 3, 5, 6, and 8-11 have been considered but are moot in view of the new ground(s) of rejection.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 02/04/2009 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 1, 3, 5, 6, and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burnett et al. hereinafter Burnett (US Pub. No. 2004/0225711) in view of Matsunami et al. hereinafter Matsunami (US Pat. No. 6,775,830) and further in view of Bishop et al. hereinafter Bishop (US Pat. No. 5,784,552).
6. Regarding claim 1, Burnett substantially discloses the invention as claimed a network comprising: plurality of computer systems (see abstract, par. [0011]; a grid manager computer and grid computers utilizing a communications network); and a plurality of manager services, each associated with one of the computer system (see abstract, par. [0005, 0011]; grid manager computers and grid computers utilizing a communication network) the manager services handling at least locating, reserving, allocating, monitoring, and deallocating computational resources, of the respective associated computer system (see par. [0002, 0011, 0025]; grid computers locations); the manager services upon receipt of a command requesting a resource from among the computational resources provided by the respective associated computer

system (see par. [0011-0012 0039]; figures 1-4 and the details associated), configured to: receive an application file containing code for a resource providing application, the resource providing application enabling the resource on the respective associated computer system to be used by a separate computer system; install the application file onto the respective associated computer system, the installation reserving the resource and customizing the respective associated computer system to modify the behavior of the resource of the respective associated computer system; log changes made during installing of the application file including modifications made to the respective associated computer system by execution of the resource providing application (see par. [0011-0012, 0039]; installation of a grid software application program on the grid computer); and revert the respective associated computer system to an original state including removing modifications made to the respective associated computer system based on the logged changes without restarting the computer system, upon determining that the resource is no longer needed.

7. Burnett substantially discloses the invention as claimed above for the given reason however does not explicitly disclose wherein installation reserves the resource and customize the respective associated computer system to modify the behavior of the resource of the respective associated computer.

8. In the same field of invention Matsunami discloses wherein installation reserves the resource and customize the respective associated computer system to modify the behavior of the resource of the respective associated computer (see abstract, col. 8, line 63-col. 9, line 24; upon complete distribution of each program and the install agent

control file, the install manager modifies the registry of the computer according to the registry modification program in such a manner that the computer is automatically logged on and starts executing the install agent etc.).

9. It would have been obvious to one of the ordinary skill in the art of networking to combine the teaching of Burnett into Matsunami for a maintainable grid Management system.

10. Burnett-Matsunami substantially disclose the invention as claimed for the reasons above however do not explicitly disclose wherein said logged changes made during installing of the application file includes, revert the respective associated computer system to an original state including removing modifications made to the respective associated computer system based on the logged changes without restarting the computer system, upon determining that the resource is no longer needed.

11. In the same field of invention Bishop discloses wherein said logged changes made during installing of the application file includes, revert the respective associated computer system to an original state including removing modifications made to the respective associated computer system based on the logged changes without restarting the computer system, upon determining that the resource is no longer needed (see figures 14-16 and the details related; col. 14, lines 9-43, also see figure 4-5 and the related details, col. 8, lines, 30-col. 9, line 28).

12. It would have been obvious to one of the ordinary skill person in the art of networking to combine the teaching of Burnett-Matsunami into Bishop for a maintainable grid management system. Motivation for doing so would have been the

system provides the users of the grid with option to select between various levels of computer security, performance, and availability in performing jobs submitted to the grid (see Burnett: par. [0009]).

13. Regarding claim 2 (Canceled).

14. Regarding claim 3, 6, Burnett substantially discloses the invention as a method and a computer program product stored on a computer readable storage device, the computer program product having instructions operable, when executed by a processor, to cause a data processing apparatus to perform a method comprising: receiving a message having a command for a service that handles locating, reserving, allocating, monitoring, and deallocating computational resources for an application running on a resource providing computer in a network (see par. [0002, 0005, 0011, 0025]; grid computers locations); providing, to the resource providing computer, an application file containing code for a serving application enabling the computational resources to be used by client computers in the network (see par. [0011-0012 0039]; figures 1-4 and the details associated); installing the application file onto the resource providing computer, the installation reserving the computational resources and customizing the resource providin.q computer to modify the behavior of the computational resources of the resource providing computer; logging changes made during installation of the application file including changes made to the resource providing computer by execution of the serving application (see par. [0011-0012 0039]; figures 1-4 and the details associated); executing the service according to the serving application; and reverting the resource providing computer, without restarting to an original state by

removing the logged changes made to the resource providing computer upon determining that the computational resources are no longer needed.

15. Burnett substantially discloses the invention as claimed above for the given reason however does not explicitly disclose wherein said installation reserves the resource and customize the respective associated computer system to modify the behavior of the resource of the respective associated computer.

16. In the same field of invention Matsunami discloses wherein installation reserves the resource and customize the respective associated computer system to modify the behavior of the resource of the respective associated computer (see abstract, col. 8, line 63-col. 9, line 24; upon complete distribution of each program and the install agent control file, the install manager modifies the registry of the computer according to the registry modification program in such a manner that the computer is automatically logged on and starts executing the install agent etc.).

17. It would have been obvious to one of the ordinary skill in the art of networking to combine the teaching of Burnett into Matsunami for a maintainable grid Management system.

18. Burnett-Matsunami substantially disclose the invention as claimed for the reasons above however do not explicitly disclose wherein said logged changes made during installing of the application file includes, revert the respective associated computer system to an original state including removing modifications made to the respective associated computer system based on the logged changes without restarting the computer system, upon determining that the resource is no longer needed.

19. In the same field of invention Bishop discloses wherein said logged changes made during installing of the application file includes, revert the respective associated computer system to an original state including removing modifications made to the respective associated computer system based on the logged changes without restarting the computer system, upon determining that the resource is no longer needed (see figures 14-16 and the details related; col. 14, lines 9-43, also see figure 4-5 and the related details, col. 8, lines, 30-col. 9, line 28).

20. It would have been obvious to one of the ordinary skill person in the art of networking to combine the teaching of Burnett-Matsunami into Bishop for a maintainable grid management system. Motivation for doing so would have been the system provides the users of the grid with option to select between various levels of computer security, performance, and availability in performing jobs submitted to the grid (see Burnett: par. [0009]).

21. Regarding claim 4, (Canceled).

22. Regarding claims 5, 8, Burnett-Bishop disclose the method of claim 3 further comprising: modifying a relationship between the service and a second service in response to the command, wherein the second service comprises locating, reserving, allocating, monitoring, and deallocating computational resources for an application running on a second computer in the network (see Burnett: see par. [0011-0012 0039]; figures 1-4 and the details associated; Bishop: figures 14-16 and the details related; col. 14, lines 9-43, also see figure 4-5 and the related details, col. 8, lines, 30-col. 9, line 28).

23. Regarding claim 7, (Canceled).

24. Regarding claims 9-11, Burnett-Bishop discloses the network of claim 1, wherein determining that the resource is no longer needed is performed by the manager services waiting a prespecified amount of time and then deinstalling the application file if there is no additional request for the resource (see Burnett: par. [0011-0012, 0039]; installation of a grid software application program on the grid computer; Bishop: figures 14-16 and the details related; col. 14, lines 9-43, also see figure 4-5 and the related details, col. 8, lines, 30-col. 9, line 28).

Prior Art of the Record

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see the form PTO-892 (Notice of Cited References) for a list of more relevant prior arts.

Conclusion

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to UMAR CHEEMA whose telephone number is (571)270-3037. The examiner can normally be reached on M-F 8:00AM-5:00PM.

27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Jr. Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Art Unit: 2444

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/U. C./

Examiner, Art Unit 2444

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444